

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:07-CV-00011 (RJC-DLH)**

Elena M. David, Arleen J. Stach,
Victor M. Hernandez,

Plaintiffs,

v.

J. Steele Alphin, et al.,

Defendant.

**JOINT MOTION TO AMEND CASE
MANAGEMENT PLAN**

For the reasons discussed below, Plaintiffs and Defendants respectfully move the Court to amend the Pretrial Order and Case Management Plan (DOC. 117) entered by the Court on March 4, 2009, by extending the fact discovery completion date from November 30, 2009 to February 15, 2010. The parties do not seek to modify any other deadlines, such as, for example, the April 2, 2010 motions deadline.

Defendants have been diligently collecting and reviewing documents to produce in response to Plaintiffs' document requests in accordance with the agreed-upon search terms and custodians. The document collection has, however, revealed far more potentially responsive documents than Defendants originally anticipated. There are still hundreds of thousands of documents (not merely pages) that need to be reviewed by Defendants' counsel for possible production. It will simply not be feasible for Defendants to complete their production, and for the parties to complete fact discovery (including depositions), by November 30, 2009. Accordingly, the parties have agreed to an approximately two-and-a-half month extension of the fact discovery completion date, to February 15, 2010.

WHEREFORE, for the good cause shown above, the parties jointly and respectfully request that the Court amend the Pretrial Order and Case Management Plan in the manner

described above.

A proposed Order is attached.

Dated: October 12, 2009

Respectfully submitted,

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ORDER

Upon the joint motion of the parties in this matter and for good cause shown, the Pretrial Order and Case Management Plan (DOC. 117) in this action is hereby amended such that the deadline for completing fact discovery is extended to February 15, 2010.

Except as stated, the deadlines, guidelines and duties set forth in the Pretrial Order and Case Management Plan shall remain unchanged.